

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jayvee Rhoda	Team: Squad #8	CCRB Case #: 201407491	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/16/2014 6:18 AM	Location of Incident: [REDACTED]	Precinct: 60	18 Mo. SOL 1/16/2016	EO SOL 1/16/2016	
Date/Time CV Reported Wed, 07/16/2014 7:38 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 07/24/2014 10:36 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. DT3 Mike Civil	02114	935092	NARCBBS
3. DT3 Daniel Guida	984	941862	NARCBBS
4. POF Francis Collado	11665	946679	NARCBBS
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Clifford Strong	04309	939538	NARCBBS
2. DT3 Anthony Maida	03317	937006	NARCBBS
3. DT3 John Rivera	00452	932207	NARCBBS
4. DT3 Essence Jackson	02268	938703	NARCBBS
5. DT3 Humberto Kibel	02547	942004	NARCBBS
6. DT3 Andrea Simmonds	03311	934182	NARCBBS
7. DT3 William Kelly	05349	936855	NARCBBS
8. DT3 Ivan Davison	01748	912150	NARCBBS

Officer(s)	Allegation	Investigator Recommendation
A. An officer	Force: An officer used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
B. Officers	Abuse: Officers entered and searched § 87(2)(b) [REDACTED] in Brooklyn.	[REDACTED]
C. DT3 Daniel Guida	Discourtesy: Det. Daniel Guida spoke discourteously to § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED]	[REDACTED]
D. DT3 Mike Civil	Abuse: Det. Mike Civil strip-searched § 87(2)(b) [REDACTED]	[REDACTED]
E. POF Francis Collado	Abuse: PO Francis Collado strip-searched § 87(2)(b) [REDACTED]	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
F.DT3 Mike Civil	Abuse: Det. Mike Civil refused to show a search warrant to § 87(2)(b)	
G.DT3 Daniel Guida	Force: Det. Daniel Guida used force against § 87(2)(b)'s dog.	

Case Summary

On July 16, 2014, at approximately 6:18 a.m., § 87(2)(b) his mother, § 87(2)(b) and his friends, § 87(2)(b) and § 87(2)(b) were sleeping inside § 87(2)(b)'s apartment at § 87(2)(b) in Brooklyn. § 87(2)(b)'s brother, § 87(2)(b) and his step-brother, § 87(2)(b) were inside the apartment earlier but they both left and went outside. Several officers, including Det. Mike Civil, SGT Clifford Strong, Det. Daniel Guida, Det. Anthony Maida, and Det. John Rivera from Narcotics Bureau Brooklyn South all arrived at the location in multiple vehicles to execute a search warrant at § 87(2)(b)'s apartment. § 87(2)(b) was standing outside the apartment building when the officers arrived and an officer allegedly pushed him against a wall before placing him in custody (**Allegation A**). § 87(2)(b) was also apprehended a block away from the location. Det. Civil and the narcotics team then entered the building and went upstairs to the second floor. Det. Rivera breached the door to § 87(2)(b)'s apartment and officers entered the apartment to execute the search warrant (**Allegation B**). Det. Guida entered the apartment and allegedly said, "Everybody get on the fucking floor," to § 87(2)(b) and § 87(2)(b) (**Allegation C**). All four occupants were handcuffed and placed in police custody. Det. Civil allegedly pulled § 87(2)(b)'s boxers away from his crotch and searched his crotch area (**Allegation D**). PO Francis Collado allegedly inserted her hand through § 87(2)(b)'s shirt and patted over her breast area (**Allegation E**). § 87(2)(b) asked all of the officers to show him a search warrant and Det. Civil, who was in possession of the search warrant, allegedly failed to present a search warrant to § 87(2)(b) (**Allegation F**). Det. Guida allegedly kicked § 87(2)(b)'s dog that was inside the apartment during the incident (**Allegation G**). § 87(2)(b) and § 87(2)(b) were transported to the 60th Precinct stationhouse and all were charged with various drug crimes. This case was originally assigned to Inv. Joshua Brickell and reassigned to Inv. Jayvee Rhoda on January 6, 2015, upon Inv. Brickell's transfer to the New Investigation Division.

Mediation, Civil, and Criminal Histories

This case was not eligible for mediation since all of the victims were arrested. On May 14, 2015, a FOIL request was sent to the New York City Comptroller's Office and the status of a Notice of Claim for § 87(2)(b) is pending. A search of OCA did not yield any results for the disposition of § 87(2)(b)'s arrest for this incident. On November 6, 2014, and January 20, 2015, § 87(2)(b) pled guilty to disorderly conduct and he received a § 87(2)(b) for the first conviction and was § 87(2)(b) for the second conviction (See Board Review 1). A search of BADS revealed that § 87(2)(b) has three prior arrests that are currently sealed (See Board Review 1).

Civilian and Officer Histories

- This is § 87(2)(b)'s first CCRB complaint (See Board Review 2).
- § 87(2)(b) has filed one other CCRB complaint. § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- Det. Mike Civil has been a member of the service for 10 years and there are three substantiated CCRB allegations against him. In case number 200609036, the Board recommended charges for a physical force allegation and the NYPD found Det. Civil not guilty. In case number 200715114, the Board recommended charges for a vehicle stop allegation and the NYPD took no disciplinary action. In case number 201113437, the Board

recommended charges for a discourtesy- word allegation and the NYPD issued a command discipline (See Board Review 4).

- Det. Daniel Guida has been a member of the service for eight years and there are no substantiated CCRB allegations against him (See Board Review 5).
- PO Francis Collado has been a member of the service for six years and there are no substantiated allegations against her (See Board Review 21).

Findings and Recommendations

Explanation of Subject Officer Identification

Det. Civil acknowledged interacting with § 87(2)(b). Because the investigation confirmed that Det. Civil and the narcotics team were executing a valid search warrant at the location, the entry and search of premises allegation is being pled against “Officers.”

§ 87(2)(b) described the subject officer of **Allegation C** and **Allegation G** as a heavyset white male with greenish-blue eyes and curly black hair and approximately 35-36 years old.

§ 87(2)(b) stated that the subject of these allegations was one of the officers that initially entered the apartment when the door was breached. Det. Maida, who was assigned to “bunker security,” stated that he was not present during the initial entry of the apartment because he was instructed to apprehend § 87(2)(b) who was a block away from the apartment. § 87(2)(g)

Det. Guida confirmed that he was present in the stack during the initial entry and he matches the description provided by § 87(2)(b). Det. Guida is a heavyset white male, 30 years old, 265 pounds, with blue eyes (See Board Review 20). Therefore, **Allegation C** and **Allegation G** are being pled against Det. Guida.

In addition, § 87(2)(b) alleged that a female Hispanic officer strip-searched § 87(2)(b) inside the apartment. § 87(2)(b) was uncooperative with the investigation. Since PO Francis Collado was the only female Hispanic officer listed on the search warrant pre-execution plan (See Board Review 19), **Allegation E** is being pled against PO Collado.

Allegations Not Pleaded

Because the narcotics team executed a valid search warrant, the investigation is not pleading allegations of **property damage** to the front door and a bedroom door, which was necessary for the officers to gain immediate entry to the apartment. In addition, the investigation is not pleading allegations of **guns pointed**, as these allegations are subsumed within the execution of the search warrant.

Recommendations

Allegation A- Force: An officer used physical force against § 87(2)(b)

After he was apprehended, § 87(2)(b) reported to IAB that an officer allegedly pushed him against a wall, causing him to sustain an abrasion above his right eye (See Board Review 18).

Det. Civil stated that when officers approached § 87(2)(b) to place him in custody, § 87(2)(b) tried to pull away from the officers. Det. Civil stated that the officers pulled § 87(2)(b)'s arms behind his back and handcuffed him and no other force was used against him (See Board Review 13). § 87(2)(b), § 87(2)(g)

Uncooperative. Allegation B- Abuse of Authority: Officers entered and searched

§ 87(2)(b) **in Brooklyn.**

It is not in dispute that narcotics officers entered and searched

§ 87(2)(b) in Brooklyn. § 87(2)(b)'s arrest report noted that the arresting officers had a valid search warrant (§ 87(2)(b)) for his residence (See Board Review 6). The warrant was issued on July 11, 2014, and valid for ten days thereafter (See Board Review 7).

§ 87(2)(b), § 87(2)(g)

Allegation C- Discourtesy: Det. Daniel Guida spoke discourteously to § 87(2)(b)

§ 87(2)(b) **and** § 87(2)(b)

Allegation D- Abuse of Authority: Det. Mike Civil strip-searched § 87(2)(b)

Allegation F- Abuse of Authority: Det. Mike Civil refused to show a search warrant to

§ 87(2)(b)

Allegation G- Force: Det. Daniel Guida used force against § 87(2)(b) **s dog.**

§ 87(2)(b) stated that after the apartment door was breached and the narcotics team entered the premises, Det. Guida allegedly said, "Everybody get on the fucking floor." § 87(2)(b) complied and got down on the floor. § 87(2)(b) was handcuffed and picked up off the floor by Det. Guida and Det. Civil. § 87(2)(b) stated that he was only wearing boxers. Det. Civil allegedly pulled § 87(2)(b)'s boxers away from his crotch area and searched around his crotch area for a few seconds. However, in a subsequent telephone statement, § 87(2)(b) stated that his boxers were not pulled down. § 87(2)(b) stated that Det. Guida just placed his hand inside § 87(2)(b)'s boxers and briefly searched around the genital area before pulling his hand out.

§ 87(2)(b) stated that he asked all of the officers inside the apartment multiple times to show him a search warrant. § 87(2)(b) alleged that none of the officers responded to his request and a search warrant was never shown to him. § 87(2)(b) also stated that his dog, a Shih Tzu, was inside the apartment during the raid and was barking for approximately six to seven minutes. § 87(2)(b) alleged that Det. Guida kicked the dog, causing it to hit the wall.

§ 87(2)(b) stated that the dog did not sustain any injuries and was not brought to a veterinarian (See Board Review 8-10).

§ 87(2)(b) and § 87(2)(b) were all uncooperative with the investigation (See Board Review 11).

Det. Guida stated that when he entered the apartment after the door was breached he did not say, "Everybody get on the fucking floor," and he did not hear any other officer say it. Det. Guida was certain that officers issued commands to the occupants of the apartment, but he did not recall which officers issued commands or the exact phrasing of any commands that were issued. Det. Guida did not see any officer pull § 87(2)(b)'s boxers down and he did not do so himself. Det. Guida did not recall whether § 87(2)(b) ever asked any of the officers to show him a search warrant. Det. Guida confirmed that Det. Civil was in possession of the search warrant. Det. Guida did not know whether a search warrant was ever shown to § 87(2)(b). Det. Guida confirmed that there was a small dog present inside the apartment. Det. Guida stated that he did not kick the dog and he did not see any other officer do so (See Board Review 12).

Det. Civil stated that he was the first officer in the stack and the first officer to enter the apartment. Det. Civil denied saying, “Everybody get on the fucking floor” to the four occupants of the apartment and he did not hear any other officer say it. Det. Civil stated that § 87(2)(b) was wearing shorts. Det. Civil stated that he grabbed the waistband of § 87(2)(b)'s shorts and shook it to make sure that there was no concealed contraband. Det. Civil stated that he did not touch § 87(2)(b)'s groin or crotch. Det. Civil stated that after the prisoners were brought to the 60th Precinct stationhouse, he provided copies of the search warrant to all of them, including § 87(2)(b). Det. Civil did not recall whether there was a dog inside the apartment and he denied kicking a dog or seeing any other officer do so (See Board Review 13).

Det. Maida stated that he was not involved with the initial entry of the apartment. Det. Maida stated that upon arriving at the location, he was instructed to apprehend § 87(2)(b) a subject of the narcotics investigation, at § 87(2)(b) and § 87(2)(b). Thus, the narcotics team executed the search warrant without Det. Maida. Det. Maida stated that he went upstairs to the apartment after the door was breached and the occupants were handcuffed, to assist with placing prisoners inside the prisoner van. Det. Maida did not see any of the officers searching any of the occupants and he did not kick a dog or see any other officer do so. Det. Maida stated that Det. Civil produced a search warrant at the apartment and showed it to all of the subjects (See Board Review 14).

SGT Strong and Det. Rivera denied committing or witnessing the above allegations (See Board Review 15 and 16).

A post-execution plan confirmed that narcotics were recovered following the search of the apartment (See Board Review 17).

§ 87(2)(b), § 87(2)(g)

Allegation E- Abuse of Authority: PO Francis Collado strip-searched § 87(2)(b)

§ 87(2)(b) stated that after the narcotics officers entered his apartment, PO Collado allegedly inserted her hand through the top of § 87(2)(b)'s shirt and patted over § 87(2)(b)'s breasts for approximately two to three minutes (See Board Review 8-10). However, § 87(2)(b)'s attorney did not consent for the CCRB to interview her client (See Board Review 11). § 87(2)(g)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____

	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date